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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,686	09/04/2001	Martha Torrey O' Connor	05222.00157	2969

29638 7590 04/12/2006

BANNER & WITCOFF, LTD.  
ATTORNEYS FOR CLIENT NO. 005222  
10 S. WACKER DRIVE, 30TH FLOOR  
CHICAGO, IL 60606

EXAMINER
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MOSSER, KATHLEEN MICHELE

ART UNIT	PAPER NUMBER
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3715

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/868,686

Applicant(s)

O' CONNOR ET AL.

Examiner

Kathleen Mosser

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

In response to the amendment and Request for Continued Examination filed 01/19/2006, claims 1-30 are pending.

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/19/2006 has been entered.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 97/44766, to Agent Based Curricula, INC., herein after the '766 publication in view of Ho et al (US 5727951). The '766

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publication teaches a method and system for the presentation of educational content including the steps of and logic for: presenting a pre-test that includes at least one question regarding a personality profile (student model data) of a student before generating the presentation; determining the personality profile of the student from at least one answer in response to the at least one question; configuring the presentation based on the personality profile of the student before generating the presentation (page 105: 6-35, where initialization is discussed); integrating information in the presentation that motivates accomplishment of a training goal tailored to the personality profile of the student (page 100: 1-20); monitoring the progress toward the training goal and providing feedback that further motivates accomplishment of the training goal tailored to the personality profile of the student (page 100: 24-30); evaluating work of the student by training concept (p. 106, 32 – p. 107, 6 and p. 113, 1-7); selecting pieces of feedback based on the usage history of the pieces of feedback (p. 56, 34 – p. 57, 19, p. 100, 34 – p. 101, 8, p. 101, 24-32); and assembling and delivering the feedback to the student (p. 109, 29 – p111, 17).as in **claims 1 and 10**. The personality profile of the student includes a learning need of the student (**claims 2 and 11**), as is shown in the description of the standards and objective on page 100, line 27. Providing praise to the student if the personality profile of the student is indicative of praise (**claims 3 and 12**) is shown on page 23, lines 24-26. Having a student repeat an exercise if the personality profile of the student is indicative of problems (**claims 4 and 13**) is shown on page 20, line 11. Utilizing a selected portion of the personality profile of the student to feed back work of the student to the student (**claims 5 and 14**) is shown in Figure 4. Regarding **claims 6 and 15**, the step of determining the personality profile being performed by comparing answers to pre-stored answers indicative of known personality profiles is the inherent functionality of the above-mentioned tests. Feedback being presented based upon a number of times the personality profile of the student matches a particular personality profile (**claims 7 and 16**) is shown on page 57 lines 5-10. The profile of the student being determined based upon interaction with an agent (**claims 8 and 17**) is shown in Figure 1, element 118 and discussed throughout the specification. The environment is described as a corporate simulation, which is by definition a business scenario, as in **claims 9 and 18**, see page 14, lines 28-35. Configuring a navigation interface to indicate a training need of the student (**claims 19 and 25**) is shown in section 5.6.2, which begins on page 106. Regarding

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**claims 20-22 and 26-28**, the features of determining a student's proficiency, altering the presentation either by providing additional tasks (remediation) or removing tasks are shown on page 20, lines 7-14. Storing performance data regarding the student actions and feedback presented to the student (**claims 23 and 29**) and analyzing this data (**claims 24 and 30**) is shown on page 101, line 33 – page 102 line 9.

Cook et al fails to specifically teach that the course topics are arranged in a hierarchy or that the feedback is selected based on the hierarchy (claims 1 and 10). Ho et al teaches a plurality of learning topics which are arranged in a hierarchy (col. 3: 41 – col. 4: 64). Further feedback is generated to for the user based upon where in the hierarchy the item is located (for example items to work on or introduction of new items, see col. 5: 17-42). It would have been obvious to one of ordinary skill in the art to incorporate these features into the system of Cook et al so as to allow for a clear path through various difficulties of subject matter to be achieved, thus ensuring that the student understands more basic concepts before moving onto more complex areas.

### ***Response to Arguments***

3. Applicant's arguments, see the response, filed 01/19/06, with respect to the rejection(s) of claim(s) 1-30 under 35 USC §102 based upon Cook et al have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ho et al (US 5727951).


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen Mosser whose telephone number is (571) 272-4435. The examiner can normally be reached on M-F 8:00-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kathleen Mosser  
Primary Examiner  
Art Unit 3715

April 10, 2006